

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DAVID LOPEZ, *et al.*,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, *et al.*,

Defendants.

Case No. 2:06-cv-00951-BES-GWF

**ORDER**

**Motion for Attorney Fees - #153**

This matter is before the Court on Defendants' Motion for Attorney's Fees and Costs and Affidavit Regarding Same Pursuant to Magistrate Judge Foley's Hearing on August 19, 2008 and Minutes (#152) (#153), filed on August 22, 2008; Plaintiffs' Opposition to Defendants' Motion for Attorney's Fees and Costs and Affidavit Regarding Same Pursuant to Magistrate Judge Foley's Hearing on August 19, 2008 and Minutes (#152) (#154), filed on August 29, 2008; and Defendants' Reply Supporting Defendants' Motion for Attorney's Fees and Costs and Affidavit Regarding Same Pursuant to Magistrate Judge Foley's Hearing on August 19, 2008 and Minutes (#152) (#155), filed on September 5, 2008.

**BACKGROUND & DISCUSSION**


On May 21, 2008, the Court issued Order (#135), which awarded attorneys' fees in the amount of \$5, 218.00 to Defendants. Defendants filed a Motion for Order to Show Cause (#147) because Plaintiffs failed to pay the award of fees by the deadline. On August 12, 2008, the Court issued Order (#149), which scheduled a hearing to show cause why sanctions should not be imposed upon Plaintiffs for their failure to comply with Order (#135) to pay the award of fees to Defendants. During the August 19, 2008 hearing, Plaintiffs' counsel informed the Court that he would personally pay the sanctions as

1 Plaintiffs are indigent and do not have the funds to pay them. The Court directed Defendants' counsel  
2 to file an application for attorney's fees and costs in regard to the order to show cause setting forth a  
3 sufficient description of the number of hours expended by Defendants' counsel. The Court indicated,  
4 however, that it would moderate the award of any additional award of fees based on Plaintiffs'  
5 counsel's statement that he would pay them.

6 After reviewing Defendants' Motion for Attorney's Fees and Costs and Affidavit Regarding  
7 Same Pursuant to Magistrate Judge Foley's Hearing on August 19, 2008 and Minutes (#152) (#153),  
8 the Court finds that Defendants request for attorney's fees incurred in preparing and filing their Motion  
9 for Order to Show Cause (#147) is reasonable. However, the Court has reduced the award of fees and  
10 costs to \$500.00 based on the representation that the previous sanction award of \$5,218.00 as well as  
11 this sanction award are being paid by Plaintiffs' counsel. Accordingly,

12 **IT IS HEREBY ORDERED** that Defendants' Motion for Attorney's Fees and Costs and  
13 Affidavit Regarding Same Pursuant to Magistrate Judge Foley's Hearing on August 19, 2008 and  
14 Minutes (#152) (#153) is **granted**. Plaintiffs' counsel shall pay Defendants **\$500.00** for attorney's fees  
15 and costs reasonably incurred by Defendants regarding their Motion for Order to Show Cause (#147).  
16 Furthermore, Plaintiffs' counsel is ordered to make this payment to Defendant within **thirty (30) days**  
17 of this order.

18 DATED this 9th day of September, 2008.

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21 **GEORGE FOLEY, JR.**  
22 **UNITED STATES MAGISTRATE JUDGE**  
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